

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA  
FOURTH DIVISION

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IN RE:

**BKY 01-44967**

*David N. Hoffman, and  
Jean M. Hoffman,*

**TRUSTEE'S RESPONSE TO FEE  
APPLICATION BY ATTORNEY  
FOR DEBTOR(S)**

Debtor(s).

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TO: All parties in interest pursuant to Local Rule 9013-3:

1. Jasmine Z. Keller, the standing Chapter 13 Trustee (the "Trustee"), by her undersigned attorney, submits this response to the Notice of Hearing and Application for Compensation by Attorney for Debtor (the "Application").

2. The Court will hold a hearing on the Application on October 6, 2004, at 10:00 a.m., or as soon thereafter as counsel can be heard, in Courtroom 8 West, U.S. Courthouse, 300 South 4<sup>th</sup> Street, Minneapolis, Minnesota.

3. As of September 27, 2004, the Trustee has received \$95,628 from the debtor(s). The debtors are current in payments to the Trustee, through September 2004. The Trustee has funds on hand of \$4,964.66 as of September 27, 2004.

4. The compensation requested in the Application exceeds the amount estimated in ¶ 3 of the debtors' confirmed modified Chapter 13 plan by \$387.75. If allowed in full, the compensation requested in the Application will reduce the amount available for distribution to the class of nonpriority unsecured creditors dollar for dollar. However, the Trustee does not object to the allowance of the compensation requested on this basis.

5. Applicant's hourly rate is reasonable for an attorney with his level of experience. The time spent on the post-confirmation matters identified in the Application was reasonably necessary for the proper representation of the debtors in this proceeding.

10. The Trustee's Counsel has reviewed the Application and the request for allowance of fees and expenses. **The Trustee does not oppose the Court's granting the relief requested in the Motion.**

Dated : September 27, 2004

Respectfully submitted,

/e/ Thomas E. Johnson

Thomas E. Johnson, #52000

Margaret H. Culp, # 180609

Counsel to Chapter 13 Trustee

310 Plymouth Building

12 South Sixth Street

Minneapolis, MN 55402

(612) 338-7591

**VERIFICATION**

I, Thomas E. Johnson, employed by Jasmine Z. Keller, Chapter 13 Trustee, declare under penalty of perjury that the factual matters attested to in the foregoing are true and correct, to the best of my knowledge, information and belief.

Dated: September 27, 2004

/e/ Thomas E. Johnson

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**UNSWORN DECLARATION FOR PROOF OF SERVICE**

I, Thomas E. Johnson, employed by Jasmine Z. Keller, Chapter 13 Trustee, declare that on September 27, 2004, I served Trustee's Response to Fee Application by Attorney for Debtor(s) on the individual(s) listed below, in the manner described:

**By electronic means:**

United States Trustee  
1015 United States Courthouse  
300 South 4<sup>th</sup> Street  
Minneapolis, MN 55415

**By first class U.S. mail, postage prepaid:**

George W. Roberts, Esq.  
Attorney at Law  
1433 Utica Ave. S., Suite 240  
Minneapolis, MN 55416

David N. Hoffman  
Jean M. Hoffman  
11322 Deer Ridge Avenue  
Minnetonka, MN 55343

Max Recovery, Inc., successor to  
First USA Bank  
Becket and Lee LLP, Attorneys/Agent  
P.O. Box 10228  
Newark, NJ 07193-0228

Max Flow Corp., assignee of  
MBNA America Bank, N.A.  
P.O. Box 2434  
Carol Stream, IL 60132-2434

American Express Centurion Bank  
Am. Exp. Trav. Rel. Svcs. Co., Inc.  
Am. Exp. Trav. Rel. Svcs. Co., Inc. Corp. Cd  
c/o Becket and Lee LLP  
P.O. Box 3001 Dept.  
Malvern, PA 19355-0701

And I declare, under penalty of perjury, that the foregoing is true and correct.

Executed: September 27, 2004

/e/ Thomas E. Johnson